

Application No. 10/675,816
 Reply to the Final Office Action dated June 8, 2005

REMARKS

Of the above-presented Claims 1 - 43, Claims 15-35, 40, and 41 are cancelled, previously presented Claims 5, 10, and 37 are indicated as allowable, and previously presented Claims 1-4, 6-9, 11-14, 36, 38, 39, 42 and 43 were rejected as anticipated or obvious from the cited references. Claims 38 and 39 were also provisionally rejected under the judicially created doctrine of obviousness-type double patenting in light of Claim 62 of copending Application No. 10/005,837. The allowance of Claim 37 and the indication of allowability of the subject matter of Claims 5 and 10 are appreciated.

This amendment is being faxed pursuant to a telephone conversation with Examiner Gilbert on September 7, 2005 confirming the correct fax number and the status of the Application No. 10/005,837.

The rejected claims all recite an "adapter" coupling a needle with an "implantable material suitable for a sling procedure". The Examiner has indicated in the rejection that he views a suture to be the same as an "adapter". Apparently, the Examiner concedes that the suture does not dilate and therefore is not a "dilator" as set forth in Claim 5, indicated as allowable if rewritten in independent form. While applicants do not concede that a suture is an adapter in the sense that the term is employed in the specification, the rejected claims are amended to substitute "dilator" for "adapter" to place the application in condition for allowance.

Thus all rejected claims except allowed Claim 37 are so amended. In light of the amendment of Claim 38, it is respectfully submitted that the provisional double-patenting rejection is also overcome. Moreover, it appears that the '837 application has been expressly abandoned in February, 2005.

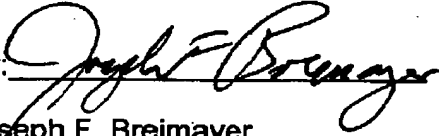
Application No. 10/675,816

Reply to the Final Office Action dated June 8, 2005

It is therefore respectfully submitted that the claims are therefore allowable and such action is requested. The Examiner is respectfully invited to telephone the undersigned to discuss the claims and the reasons that he may have for maintaining any of the rejections.

Dated: 8/7/05

Respectfully Submitted,

By: 

Joseph F. Breimayer
Registration No. 25,551

BREIMAYER LAW OFFICE
1221 Nicollet Mall, Suite 206
Minneapolis, MN 55403
Telephone: (612) 338-1279
Fax: (612) 338-0910